

6-1988

An Analysis of the California Child Support System

Assembly Human Services Committee

Joint Select Task Force on the Changing Family

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AN ANALYSIS OF THE CALIFORNIA CHILD SUPPORT SYSTEM



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Prepared for the Assembly Human Services Committee
and the
Joint Select Task Force on the Changing Family

June 1988

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THOMAS H. BATES
MEMBER OF THE ASSEMBLY
TWELFTH DISTRICT

CHAIR
STANDING COMMITTEE ON
HUMAN SERVICES

June, 1988

Dear Friend:

Half the children born today will live some portion of their childhood in a single parent home. Policy makers and law enforcement officials face the challenge of ensuring that in spite of living with only one parent, these children receive support from both their parents - the one with whom they live and the one outside the home.

Members of the Assembly Human Services Committee and the Joint Select Task Force on the Changing Family share the concern that California develop the most efficient and equitable methods possible for awarding and enforcing child support payments.

This report was prepared by a team of interns from the Coro Foundation for use by the members of the Committee and the Task Force. In it they have presented an overview of some of the major problems plaguing the child support system and ideas for the system's renovation. The report and the recommendations contained in it are for discussion purposes only; they do not represent the views of the Committee or the Task Force.

I offer my thanks to the authors of this report, and am pleased to make it available. I hope it helps to further public discussion of this critical issue.

Sincerely,

Tom Bates

Thomas H. Bates
Chair, Assembly Human
Services Committee
and Co-Chair, Joint
Select Task Force on
the Changing Family

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**AN ANALYSIS
OF THE
CALIFORNIA
CHILD SUPPORT SYSTEM**

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GOLDEN GATE UNIVERSITY

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Prepared for the Assembly Human Services Committee
and the
Joint Select Task Force on the Changing Family

June 1988

PREFACE

This report was conducted by Julie Batz, Judith David and Janet Schneider while participating in the Coro Foundation Fellows Program in Public Affairs.

The Coro Foundation is a non-profit, non-partisan training institute established to provide education and practical training to qualified individuals who anticipate careers in government, politics, and public service. An integral part of this training is research and the preparation of reports on various public issues. The individuals who prepared this report received no reimbursement for their time other than their Coro Foundation scholarship, if any.

Sherry Novick, consultant to the Assembly Human Services Committee, provided supervision to the Coro Fellows throughout their six week internship and served as editor of this report. The views reflected in this report are solely those of its authors and do not reflect any position of the Coro Foundation

EXECUTIVE SUMMARY

Background

Over time, the profile of the family has undergone many changes in form, whether because of divorce, remarriage, or out-of-wedlock births. While the traditional notion of the family is changing, the needs of children have remained fairly constant. Children require emotional and financial support. The term "child support" refers to the financial contribution of an absent or non-custodial parent to the rearing of his or her children. Available statistics reveal that in a majority of cases, child support obligations are not upheld and delinquency often goes unrectified. Rather than foster parental responsibility, the current California child support enforcement system tolerates parental irresponsibility.

In 1935, the federal government established the Aid to Families with Dependent Children Program to ensure financial support to dependent children and their families. When the program began, death of a father was the main basis for eligibility. The profiles of today's AFDC recipients are quite different—roughly 9 out of 10 recipients have fathers who are alive yet absent from the home. According to the U.S. Department of Health and Human Services, welfare costs are increasingly a problem of the non-support of children by their absent parent.

In evaluating the current California child support system, it is necessary to consider certain standards. For instance, a fair and equitable child support program would:

- ensure that parents share their income with their children
- determine parental financial responsibility in a fair manner
- guarantee efficient collection of payments
- reduce welfare costs and caseloads
- protect children's interests

The current child support enforcement program collects millions of dollars each year that represent a direct benefit to children, families and taxpayers. In California, \$423 million was actually collected by county District Attorneys in the fiscal year ending June 30, 1987. With respect to AFDC-family related child support due in FY 1985-86, only 48% of the money due was collected, which indicates the potential that exists for California to recover significantly more of its delinquent child support payments.

Yet the potential for California's child support system is undermined by serious difficulties and deficiencies in the system.

The caseload in California is extremely high—close to one million in 1987. This figure only represents the cases successfully adjudicated through the county District Attorneys' offices. It does not include cases handled by private attorneys. In roughly half of the cases handled by the county D.A.s, the absent parent will need to be located at some point during the history of the case.

Establishing paternity can be costly and time consuming, and often is not actively pursued by child support enforcement agencies. Fathers cannot be ordered to contribute to the support of children until paternity is legally established. Establishing paternity is most difficult when no marriage exists; teen parents are faced with added difficulties in this area.

The inadequacy of payment amounts poses yet another difficulty. In 1986, the average monthly child support payment was \$171. This figure is only \$21 higher than the U.S. poverty guideline of \$150 per month per child.

Aside from the questionable amounts of child support orders, actual payments often do not occur, or are only paid in part. According to Harvard Professor Lenore Weitzman, author of *The Divorce Revolution*, non-compliance with support orders is generally not related to one's ability to pay. In FY 1987 roughly \$1.6 billion of child support was owed in California.

Addressing such deficiencies requires an analysis of the foundation of the child support system—its structure. In 1975 federal law mandated child support provisions under Title IV-D of the Social Security Act. California's Department of Social Services is the Title IV-D agency that has overall responsibility for the State's program. The program is administered by local county District Attorneys. In addition to the D.A.s, numerous private attorneys are involved in handling family law cases, yet these attorneys are not considered part of the formal child support system.

No central organization exists to oversee the private child support cases. Non-AFDC families are only represented in the system if custodial parents learn of the D.A.'s establishment and enforcement services and choose to enlist their help.

The 58 counties in California each follow their own guidelines for setting award amounts. Efforts have been made in recent years, particularly by the Judicial Council, to make these guidelines more uniform, yet a significant degree of variation still exists.

Payments are collected through different routes—some go through D.A.'s offices, to be transferred to the State as reimbursements for public assistance. In the case of non-AFDC families who have requested the D.A.'s assistance with collection of payments, the money may be sent directly to that family. Still other payments flow through private attorneys or are sent directly to custodial parents.

Description of the System

The key step in the child support process is the establishment of the child support order. This order designates paternity, support award amounts, and a date when payments should begin. Without a child support order, financial assistance from the absent parent is unlikely to occur.

In half of the child support cases in California, simply locating the absent parent is a prime objective. In FY 1986 alone, 75,212 absent parents were located, while the whereabouts of 206,821 were unknown.

If the absent parent denies paternity, the D.A. or the defense attorney can request a blood or tissue typing test. These tests can be as high as 99% accurate.

Once the absent parent is located and paternity is established, the D.A. will serve the absent parent with a complaint. If the absent parent does not respond within 30 days, a default judgment is entered, establishing him as the parent, and a support order is then established.

In 1984, the Agnos Minimum Child Support Standards Act became law, establishing uniform statewide guidelines for determining the minimum level of child support obligations. The legislation was drafted in response to the discovery that non-custodial parents were paying much less in child support, on average, than the state was paying to welfare recipients. The minimum levels established by the legislation are based on what the state would pay the child if his or her custodial parent were receiving AFDC.

The final step in the process of the child support enforcement program is collection. As of January 1, 1987, California law has required that all new and modified child support orders stipulate mandatory wage assignments as the means of payment. A wage assignment is "a legal order to the employer of the absent parent to withhold a specified amount from the employee's wages." Wage interception is gaining recognition as a neutral, routine collection method, much like federal and state income taxes. Problems do occur with this method, though, in cases where the non-custodial parent is self-employed, unemployed, or very mobile.

Recommendations

1. California should recognize that its child support enforcement program has the potential to serve an important anti-poverty role.
2. The child support disregard should be increased.
3. California should examine how low-income non-custodial parents are affected by the current support guidelines.
4. California should address the specific needs of teen parents in the child support system.
5. California should increase the visibility and accessibility of its child support services to non-AFDC families.
6. Child support obligations should not be affected by the level of custody or visitation rights granted the parents.
7. The state should evaluate the philosophical questions regarding combining or separating parents' income when setting award amounts.
8. California's child support guidelines should be re-evaluated to more accurately reflect the costs of raising children.
9. California should determine methods to ensure that absent parents support children pursuing a college or vocational education.
10. California should examine alternative conceptual models in developing child support guidelines—models that generate more appropriate levels of support for children.
11. A monitoring system should be implemented to assess the impact of the Agnos Minimum Guidelines on award amounts.
12. California should examine the issues raised by second families.
13. California should seek to centralize and coordinate its child support services.
14. California should implement a centralized, statewide computer system to improve case management and data collection.
15. California should review alternative methods for updating child support orders.
16. All child support orders should designate wage withholding as the means of collection.

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I. INTRODUCTION

A Portrait

It has become increasingly common, both in California and nationwide, for children to grow up in households without both of their biological parents. The U.S. Census Bureau reports that nearly half of the children born in 1982 will spend a significant period of their lives in a single-parent home.¹ While the "Norman Rockwell" family portrait has undergone many changes in form—whether because of divorce, remarriage, or out of wedlock births—the needs of children have remained fairly constant. Children require emotional and financial support. All parents are expected to provide these essentials, and in doing so, create family stability. The term "child support" is now commonly understood as the financial contribution of an absent parent to the rearing of his or her children.

In 1935, the federal government established the Aid to Families with Dependent Children Program (AFDC) to ensure financial support to dependent children and their families. When the program began, death of a father was the main basis for eligibility. The profile of today's AFDC recipients is quite different; roughly 9 out of 10 recipients have fathers who are alive yet absent from the home.² This means that roughly ninety percent of custodial parents are women, and this is a similar circumstance for non-AFDC single-parent households as well. In most cases these absent fathers have child support orders, yet according to a report by the U.S. Department of Health and Human Services, "welfare costs in the U.S. are [increasingly] a problem of the non-support of children by their absent parent."³ It is important to note, however, that non-compliance with child support orders is more than a welfare problem; it is a problem that cuts across all socio-economic classes, and is increasingly seen as a major issue affecting the well-being of children throughout the State.

A Vision

In order to evaluate California's child support system, a vision of an ideal child support system is helpful. A comprehensive and equitable child support program would:

- Cushion the economic loss to children that results from a parent leaving a family unit.
- Ensure that parents share their income with their children.
- Determine parental financial responsibility in a fair manner.
- Guarantee efficient collection of payments.
- Recognize the non-financial costs of parenting (time, patience, nurturing, etc).
- Accurately consider the cost of raising children throughout their dependent years, including the years they are attending college or vocational education.
- Increase the economic well being of children who have absent parents.
- Reduce welfare costs and caseloads.
- Avoid burdening taxpayers, requiring unrealistic payment amounts by absent parents, and worsening the economic predicament of AFDC beneficiaries.
- Operate in order to protect children's interests.

How closely does California's child support system reflect this vision?

II. BACKGROUND

History of Child Support Enforcement

Until the 1950's, the federal government played no role in child support enforcement, leaving the job entirely to state laws and local enforcement agencies. Practices for pursuing child support differed widely from state to state, as well as from locality to locality within states. Enforcement effectiveness was very uneven.⁴

The federal government became more involved over the next two decades, and by 1975 federal law mandated child support provisions under Title IV-D of the Social Security Act, and established a federal office of Child Support Enforcement. This federal initiative was largely motivated by an interest in controlling AFDC costs.⁵ However, in an attempt to prevent families from needing public assistance, a provision was included that required child support enforcement programs to serve non-AFDC families as well.

Despite the government's 1985 attempts to strengthen child support enforcement, non-payment remained a pervasive problem. In 1984, Congress passed the Child Support Enforcement Amendments to the 1975 legislation. The Amendments required states to strengthen collection measures, by means such as wage withholding, state and federal income tax refund offsets, and liens. The 1984 Amendments also aimed to equalize the treatment of AFDC and non-AFDC families, and to strengthen interstate enforcement. To encourage cooperation between AFDC recipients and the District Attorneys, and to allow AFDC children a small benefit from the support paid by their absent parent,⁶ the new law further required that states disregard the first \$50 per month in child support paid to an AFDC family. This means the first \$50 collected monthly now goes directly to the family instead of reimbursing the state. Failure to comply with these new rules puts in jeopardy the states' receipt of the full federal share of their AFDC costs.

In California, the Department of Social Services was established as the Title IV-D agency with overall responsibility for the State's program. but its administration was left highly decentralized. It is administered locally by county District Attorneys whose tasks include: (1) establishing paternity; (2) locating absent parents; (3) establishing court orders; and (4) enforcing orders. Additionally, county D.A.s are responsible for transferring payments they receive for AFDC families to the welfare department, since these child support payments are regarded as reimbursements to the state for public assistance, and directly to the families for those not on AFDC who request the D.A.s' services.

Structure of California's Child Support System

California's decentralized child support system involves two public agencies - the Department of Social Services and the District Attorney's office - as well as numerous private attorneys who handle family law cases.

No central organization exists to oversee the private child support cases or gather data on their payment records. Statistics for non-AFDC families exist only where custodial parents have learned of the D.A.'s establishment and enforcement services and have enlisted the D.A.'s help. Therefore, available child support statistics do not fully identify the scope of the system's current problems.

Payments also follow different routes. Some are collected by D.A. offices, to be transferred to the state (in the case of AFDC families) or to the families (in the case of non-AFDC families). Other payments flow through private attorneys or are sent directly to custodial parents.

The 58 counties in California each follow their own guidelines for setting award amounts. The Judicial Council, responsible for surveying the courts and making recommendations to

the legislature on administrative matters of the courts, has led efforts in recent years to make the county child support guidelines more uniform. Still, a significant degree of variation exists.⁷

Following is a description of how the California system works -- from the establishment of the support order to collection enforcement.

Establishment of a Child Support Order

The key step in the child support process is the establishment of the child support order. This order establishes paternity, support award amounts, and a date when payments should begin. Without a child support order, financial assistance from the absent parent is unlikely to occur.

A custodial parent might not have a child support order for several reasons:

- The parent was poorly represented during his or her divorce proceedings.
- Child support may have been bargained away for property or visitation rights.
- Some parents may not know that assistance in obtaining a child support order is available to them.
- Under some circumstances, the state may not have jurisdiction to establish the order for the custodial parent.
- The absent parent may not have the ability to pay.

The state's involvement in the issue of child support begins most commonly when a custodial parent applies for welfare. During this application, the parent must visit the local District Attorney's office. In a relatively small number of cases, a non-AFDC custodial parent enlists the D.A.'s assistance in the establishment of a child support order.

Locating the Absent Parent

In half of the child support cases in California, simply locating the absent parent is a prime objective. In fiscal year 1986 alone, 75,212 absent parents were located, while the whereabouts of 206,821 were unknown.⁸ This figure represents nearly one quarter of all non-custodial parents involved in child support proceedings.

When an absent parent needs to be located, the DA's office begins investigating the most obvious informational routes: friends, relatives, the custodial parent, local employers, etc. If these routes are uninformative, the investigators will turn to increasingly sophisticated search mechanisms. The California Law Enforcement Teletype Service (CLETS) has an automated parent locator service that will provide the D.A. with Department of Motor Vehicle records as well as information about any person who is required to officially file with the State - those with a criminal history, those in teaching positions, law enforcement personnel, etc. If this fails, the California Parent Locator Service can be contacted. This organization provides records from the Employment Development Department, property tax exemption file, tax information (i.e. if the person claimed interest on a checking or savings account), public utilities information, Social Security Administration information, and veterans' files. In general, California's location method is considered one of the strengths of its child support system.⁹ However, given the mobility in our society, as well as the long duration of child support cases (up to 18 years), tracking down an absent parent can be a continuing problem.

Establishing Paternity

If the absent parent denies fatherhood (paternity), the D.A. or the defense attorney can request a blood or tissue typing test. These tests can be as high as 99% accurate.¹⁰

Once the absent parent is located and paternity is established, the DA will serve the absent parent with a complaint. This act, which must be done in person, is a critical step.

Without service of the complaint, the state cannot proceed with the case.

If the absent parent is successfully served with the summons and does not respond within 30 days, a default judgment is entered, establishing him as the parent. Subsequently, a support order is established.

Setting Award Amounts

In 1984, the Agnos Minimum Child Support Standards Act became law, establishing uniform statewide guidelines for determining the minimum level of child support obligations. The legislation was drafted in response to the discovery that non-custodial parents were paying much less in child support, on average, than the state was paying to welfare recipients. The minimum levels established by the legislation are based on what the state would pay the child if his or her custodial parent were receiving AFDC.¹¹

The basic calculation steps are as follows:

- When determining award amounts, the monthly incomes of both parents are added together.
- That combined income is then multiplied by a percentage. The percentage is based on what the law determined parents spend on children for basic living costs such as food, clothing and shelter. Currently, the percentage adopted by legislators is 18% for one child, 27% for two, and 33% for three.
- The percentage of the combined incomes is then compared to the AFDC standard for a family with the same number of children. Whichever amount is less becomes the minimum award amount. Individual judges then use their own county guidelines to determine the final award amount.

Example

Mother's income	\$ 500/month
Father's income	\$1500/month
Combined income	\$2000
Support for one child	\$360 (18% of combined income)
AFDC payment one child	\$311 minimum award

The AFDC payment for one child is \$311. Therefore, the minimum award obligation is \$311. The obligation of the non-custodial parent is an amount proportionate to that parent's share of the combined income. If the father were the non-custodial parent, the minimum amount of the child support award he would be obliged to pay would be \$233.25, or 75% of \$311. If the mother were the non-custodial parent, the minimum she would be obliged to pay would be \$77.75, or 25% of \$311.

Although the Agnos Act is used by each county to establish minimum levels of support, each county uses its own set of guidelines to adjust the award to meet the particular circumstances of the case. The preceding example demonstrates a case where the minimum is used, yet judges may determine an amount that ranges anywhere between the AFDC minimum and the calculated combined income figure. Deductions (to the percentage of combined income figure) can be made when the obligor parent has financial responsibilities for other children (i.e., first family, second family). At the request of either party, and when the absent parent can afford it, a supplemental award can be established, to cover additional costs such as childcare, extra medical costs, or special educational needs of the child.¹²

Collection

The final step in the process of the child support enforcement program is collection. As of January 1, 1987, California law has required that all new and modified child support orders stipulate mandatory wage assignments as the means of payment. A wage assignment is "a legal order to the employer of the absent parent to withhold a specified amount from the employee's wages."¹³

Although considered the most effective collection method, wage withholding is ineffective in cases where the non-custodial parent is self-employed or unemployed. Currently the State Department of Social Services is considering ways to expand the idea of interception, largely to address such special cases as mentioned above. The Franchise Tax Board, Employment Development Department, and the Workers' Compensation Appeal Board are three agencies that have been identified as potential intercept points. These interception methods are designed to function as deterrents; people would be encouraged to avoid interception of their assets and benefits. Wage interception, on the other hand, is gaining recognition as a neutral, routine collection method, much like federal and state income taxes.

Benefits of the Child Support Program

The millions of dollars that a child support enforcement program collects each year represent a direct benefit to children, families and taxpayers. The program is one of the few government undertakings that helps needy families while also saving tax dollars. In California, \$423 million was actually collected by county District Attorneys in the fiscal year ending June 30, 1987. Of this amount, roughly \$198 million was for AFDC families, \$189 million was for non-AFDC families, and \$35 million was collected for other states (cases where the absent parent lives in California).¹⁴

Currently, the federal government plays an active role in providing collection incentives to state child support programs. As of October 1987 the federal government has matched 68% of California's child support administration costs. California retains as much as 50% of child support monies collected to offset the state's cost of AFDC.¹⁵

Child support enforcement programs not only directly generate revenues, but can also serve to prevent or eliminate the need for public assistance. Poverty and single-parent households are often closely related circumstances. The number of female headed households in California rose from 565,000 in 1977 to 648,000 in 1986. Of these 648,000, 46% live on incomes below the poverty level.¹⁶ Over 50 percent of female-headed households are headed by divorced mothers. While many of these families are able to maintain incomes above the poverty level, Harvard Professor Lenore Weitzman, author of *The Divorce Revolution*, reports that divorced women and children suffer a significant decline in their standard of living after divorce.¹⁷ Adequate child support payments, efficiently collected, could directly improve these circumstances.

In fiscal year 1985-86 California collected \$386 million in child support.¹⁸ During that same period the State's administrative costs for the Child Support Enforcement Program were \$135 million of which the Federal government paid \$90 million and California counties paid \$44 million.¹⁹ For every dollar spent on child support collections, \$1.21 was collected on behalf of AFDC families and used to reimburse state public assistance funds.²⁰ During this same period 8714 families were no longer eligible for AFDC as a result of child support collections.²¹ This amount, combined with a total of \$21 million in incentive payments from the federal government, represents substantial revenue to the State. Considering that California only collected 48% of the AFDC-family related child support due in 1985-86, the state has the potential to recover even more of its costs.²²

Difficulties in the Child Support Program

The potential for California's child support system is undermined by serious difficulties and deficiencies in the system.

Caseload

The caseload in California is extremely high - close to one million in 1987. This figure only represents the cases successfully adjudicated through the county district attorney offices. It does not include cases handled by private attorneys.²³ Furthermore, in roughly half of these cases, the absent parent will need to be located at some point in the history of the case.²⁴ The larger counties in the state bear much of the burden; for example, the Los Angeles county D.A.'s office reported a total caseload of 227,000 at the end of FY 1987--roughly one quarter of all the active cases reported to the State Department of Social Services at that time.

Establishment of Paternity

Establishing paternity can be costly and time consuming, and often is not actively pursued by child support enforcement agencies. Fathers cannot be ordered to contribute to the support of children until paternity is legally established. Establishing paternity is most difficult when no marriage exists, thus teen-age parents are especially hard hit. According to the Children's Defense Fund, in 1970 about 30 percent of all of the births to teenagers were to unmarried teenagers. By 1985 this proportion had almost doubled, reaching 58%.²⁵ While the incidence of out-of-wedlock births has risen dramatically among teenagers, this trend has manifested itself in other age groups as well. The State Department of Social Services reports that more than 50% of the 900,000 active child support enforcement cases closed during FY1987 involved children born out of wedlock. In some California counties, such as Alameda, Contra Costa and Los Angeles, the establishment of paternity is necessary for up to 90 percent of AFDC families.²⁶

Adequacy/Inadequacy of Payment Amounts

In 1986, the average monthly child support payment was \$171.²⁷ This figure is less than the national median child support reported by the 1983 Census survey of \$195 per month. It is only \$21 higher than the U.S. poverty guideline of \$150 per month per child.

Collection

Nationally, 60% of the 8.8 million single female-headed households reported were awarded child support orders (orders are the legal establishment of financial obligation).²⁸ Of those 60%, only two-thirds actually received payments, and only slightly more than half of those received the full amount due.²⁹ According to Professor Lenore Weitzman, non-compliance is generally not related to one's ability to pay. In FY1987 roughly \$1.6 billion was owed in California child support payments. The Department of Social Services reports that this figure reflects only about one-third of California's caseload (these are cases where a court order exists and the absent parent's social security number is known).³⁰

The problems posed here encourage a closer examination of the California child support system and innovative suggestions as to ways it can be improved.

III. RECOMMENDATIONS

The following recommendations are based on the vision of a comprehensive and equitable child support system, as well as an analysis of the inadequacies of California's current system. While some recommendations advocate specific methods or actions, others serve to raise areas of concern for future investigation and consideration.

1. CALIFORNIA SHOULD RECOGNIZE THAT ITS CHILD SUPPORT ENFORCEMENT PROGRAM HAS THE POTENTIAL TO SERVE AN IMPORTANT ANTI-POVERTY ROLE.

In practice, the California child support enforcement system operates primarily as a mechanism for reimbursing the state for welfare expenditures. However, the program can, and should, attempt to alleviate the poverty experienced by children within female-headed single parent families. Increasing the anti-poverty effectiveness of child support enforcement would require higher award amounts coupled with an effective means of ensuring collection.

The reforms currently undertaken in Wisconsin assume such an anti-poverty role. Congress allowed Wisconsin to use federal AFDC money to finance an assured minimum level of support for children. In its new program, Wisconsin guarantees that every child living in a household in which one parent is absent receives either the amount paid by the absent parent or a minimum guaranteed payment, whichever is higher. A single child living with one parent is guaranteed an annual benefit of \$3000. For two children, the guarantee is \$3528; for three, \$4222. Custodial parents who work but have below-average incomes receive a work-expense subsidy of \$1.00 per hour worked for one child, and \$1.75 per hour for two or more children. This minimum benefit is adjusted regularly to remain at a fixed percentage of the absent parent's income. The minimum benefit is also

adjusted to reflect growth in the economy. If the payment from the absent parent is not large enough to cover the minimum benefit, then the custodial parent receives the difference from the state. If the custodial parent works, he or she contributes an appropriate percentage of his or her income to the child support supplement.

Wisconsin guarantees children a minimum benefit, regardless of their circumstances. If the custodial parent earns even a minimal amount of money, those earnings, plus a minimum guaranteed benefit, would lift most single parents out of poverty. Female head of households are increasingly expected to work, and often do. As a result, welfare programs are not the best way to aid them. Working custodial parents should not face a dollar for dollar reduction in their child support payments, as they do under AFDC procedures. With a minimum assured benefit, a small reduction would occur, but only if the absent parent were making less than the minimum benefit. Finally, under such a scheme, these benefits do not have the stigma of welfare, but rather are considered an entitlement to children of single-parent families.³¹

Both the benefits and costs of this type of child support insurance program depend on the level of minimum benefit, the tax rates of the noncustodial and custodial parents, and the effectiveness of the child support collection. Wisconsin estimates that its child support insurance program will substantially reduce poverty and welfare dependency, and will save money.

2. THE CHILD SUPPORT DISREGARD SHOULD BE INCREASED.

Payments by non-custodial parents of AFDC families are regarded as replacements for state funds. The 1984 federal legislation allows for \$50 of a child support payment to go directly to the family. This \$50 disregard is the closest California comes to providing a supplement to AFDC families. Some administrators of Family Support Programs believe

the child support disregard should be abolished; it is seen as expensive for the counties to administer and of very minimal benefit to the families.³² Increasing the disregard, though, would allow non-custodial parents of AFDC families to contribute directly, and substantially, to the welfare of their families - a move that could help families and encourage payment by absent parents.

3. CALIFORNIA SHOULD EXAMINE HOW LOW-INCOME NON-CUSTODIAL PARENTS ARE AFFECTED BY THE CURRENT SUPPORT GUIDELINES.

Should low-income non-custodial parents be required to pay child support? The current award levels may be too high for a low-income person to afford, thereby tilting them into poverty. For this reason, some argue that there should be a lower scale of payments for lower income people. In their recommendations for a social child support system in Wisconsin, Ira Garfinkel and Elizabeth Uhr proposed a percent-based system to address the issue of low-income absent parents :

"Expecting even low-income absent parents to pay child support may seem harsh. At present, the overwhelming majority of those with low incomes pay no child support. It has been suggested that they simply cannot afford to contribute. They may, for instance, have other economic responsibilities; they may even be unemployed. Yet if we are to uphold the principle that all parents must share their income with their children, poor absent parents cannot be an exception. Since they would be required to pay only a percentage of their incomes, their contribution would fall to zero when they were unemployed, and when they were employed their contribution would be small...."³³

California's child support system should not exempt low-income non-custodial parents from their financial responsibility to their children. However, the state needs to examine what effect the current support levels are having on these parents.

4. CALIFORNIA SHOULD ADDRESS THE SPECIFIC NEEDS OF TEEN PARENTS IN THE CHILD SUPPORT SYSTEM.

With the dramatic rise in teen pregnancy and parenting in California today, paternity establishment cases must be pursued more aggressively and in greater numbers. Teen mothers should be made aware of the eventual benefits of establishing paternity, and if possible, the procedures should begin during pregnancy.

In addition, an emphasis on the financial responsibilities of parenting and the necessity of complying with child support orders should be included in any general education made available to all teenagers. The Children's Defense Fund recommends education and flexible child support payments to increase compliance among teenagers. This includes provisions for teenagers to finish school or vocational training in order to provide for their children.³⁴

5. CALIFORNIA SHOULD INCREASE THE VISIBILITY AND ACCESSIBILITY OF ITS CHILD SUPPORT SERVICES TO NON-AFDC FAMILIES.

Child support delinquency cuts across all socio-economic classes. however, the bulk of cases enforced by the California county DA offices concern only AFDC families. In 1975 the federal government extended child support enforcement requirements to include non-AFDC families. This action was regarded as a significant attempt to prevent the need for public assistance. The amendments passed in 1984 again emphasized the need to equalize services, but intentions have not adequately translated into actions.

Bearing in mind that AFDC child support collections reimburse the state funds rather than benefit families, the motivation to publicize non-AFDC services is minimal. While some non-AFDC families do learn of the services of the DA's office and request their assistance, they are often discouraged by the DA's attitude, lengthy paperwork, or long time delays.

The caseload of AFDC families alone is enough to make enforcement administrators reluctant to help non-AFDC families. Though the Federal government does allow the state (and hence the counties) to keep a certain percentage of its collections, it is less for non-AFDC clients than for AFDC clients. Therefore, another disincentive is created to serving non AFDC families. In addition, D.A. family support units are often located in welfare offices - these environments can discourage non-AFDC families from requesting the service.

Information about non-AFDC families who are not receiving their child support is sparse. No formal recording mechanisms exist to track non-compliance for non-AFDC families, except those who seek the D.A.'s services. Thus any statistics regarding child support delinquency are incomplete.

The California State Senate Task Force on Family Equity recommended that the State Department of Social Services' handbook on the support rights and responsibilities of parents be served on *all* parties involved in a support proceeding. This recommendation is currently being implemented, but even more public information efforts must be directed toward non-AFDC families. The state of Massachusetts has set such a public education campaign as a priority.³⁵ California should undertake a major media campaign to educate all interested parents about their rights for support and the services available to help them.

6. CHILD SUPPORT OBLIGATIONS SHOULD NOT BE AFFECTED BY THE LEVEL OF CUSTODY OR VISITATION RIGHTS GRANTED THE PARENTS.

As California's child support system currently exists, economic and custody issues are connected. Section 4727 of the Agnos Act states that:

"Except when a child or children are receiving an AFDC grant...the court may take into consideration expenses incurred and savings resulting from

shared physical custody arrangements in determining the pro rata share of the mandatory minimum child support award to be allocated to each parent.... "shared physical custody" means an arrangement in which the parents share physical custody so that both have custody of the child or children more than 30 percent of a 365-day period."

Does it actually cost less to care for a child when they are away from their primary home the equivalent of nine days a month? Many have argued that there are not significant "savings" to the custodial parent or "costs" to the non-custodial parent when custody reaches the 30% level.

To some, the 30% figure is seen as arbitrary—is there a significant difference in costs when the absent parent has 25% or 35% custody? The largest portion of household expenses, such as rent, utilities and insurance payments, remain fixed regardless of increased visitation or custody. The only items that would obviously increase would be food and clothing, and these account for only a small portion of total costs.

In examining this issue, the Senate Task Force on Family Equity concluded that when custody is tied to the amount of support awarded, several undesirable outcomes may occur:

- The focus of courts in custody disputes may shift from what is best for the child to what is least expensive for the obligor-parent.
- Financial incentives are provided for the obligor-parent to seek joint custody in order to lower his/her support obligation even if the parent is not willing or able to care for children..
- The legislation creates disincentives for the lower-income parent (usually the mother) to agree to increased visitation or joint custody because she will receive less child support.

The Task Force concluded that "instead of focusing on what would be the best custody arrangement for the child emotionally, the lower income parent may be forced to base the

custody decision on what will be best for the child economically -- e.g., sole custody because it will increase the support award."³⁶ Fourteen states have recently made changes in their systems to separate these issues. These states include Michigan and New York. California should follow suit.

7. THE STATE SHOULD EVALUATE THE PHILOSOPHICAL QUESTIONS REGARDING COMBINING OR SEPARATING PARENTS' INCOME WHEN SETTING AWARD AMOUNTS.

The Agnos formula uses a "one pot" approach to establish support levels. This approach combines both parents' incomes when setting the child support obligation of the absent parent. Alternatively, the "independent pot" theory takes only the absent parent's income into account when setting the obligation level. The custodial parent's income is not considered at all, since it is assumed that the majority of the custodial parent's income will go to the child's financial needs.

In a situation where the one-pot approach is applied, two non-custodial parents in identical financial situations, with the same number of children, could pay very different amounts of child support due to the differences in the corresponding custodial parent's income. As a custodial parent's income rises, it seems reasonable to expect that the child should benefit from that increase. In the current system, it is the non-custodial parent, not the child, who benefits from such an increase. The system also creates a disincentive for the custodial parent to achieve higher earnings because they would serve to reduce the non-custodial parent's support. In the interest of providing a reasonable and equitable child support system, the theoretical basis for determining award amounts needs re-examination.

8. CALIFORNIA'S CHILD SUPPORT GUIDELINES SHOULD BE RE-EVALUATED TO MORE ACCURATELY REFLECT THE COSTS OF RAISING CHILDREN.

California's guidelines were based in part, on the costs of raising children as determined by economist Thomas Espenshade. However, his work has come under criticism for seriously undervaluing the cost of raising children. Furthermore, his data was based on national figures of the percentage of parental income spent on children in *two-parent, intact families*. His calculations did not consider the higher costs of raising a family in single-parent households. There are additional costs associated with maintaining children in two households - higher fixed costs, such as rent or mortgage for two homes, as well as other costs of extra travel, babysitting, toys, and equipment. Also, Espenshade excludes certain expenditures which could account for as much as two-thirds of total child-rearing costs. These include emergency medical costs and expenditures for higher education. Finally, he does not take into account non-monetary parental investments—time, energy, patience—which may even be greater in a single-parent family.³⁷

The State should re-examine the costs of raising a child in California today. It is necessary to compare the costs of intact and divorced families, and of different parts of California, to ensure that guidelines accurately reflect the true costs of supporting a child.

9. CALIFORNIA SHOULD DETERMINE METHODS TO ENSURE THAT ABSENT PARENTS SUPPORT CHILDREN PURSUING A COLLEGE OR VOCATIONAL EDUCATION.

California's child support laws currently provide that support obligations continue until the age of 18. However, the most expensive period in a dependent's life is often from age 18 to 22 - the years one typically pursues a college education or vocational training.

In their 10-year study of 60 divorcing families in Marin County, Judith Wallerstein and Sheila Corbin found that nearly half of the non-custodial parents (all fathers) halted all financial assistance when their children turned 18. These fathers were economically able to assist in paying for their children's college education, but did not. A pervasive attitude among them was that their obligations ended when their children became 18 years of age, regardless of their ability to continue financial support. Wallerstein notes that:

"...at the point of entry into college, when the young person's need for financial support and parental encouragement to pursue goals commensurate with his or her intellectual capacity customarily increases, financial support ceased altogether or was maintained at minimal levels, conveying a lack of emotional investment in the youngster's education strangely at odds with the father's social position and professed values."³⁸

The children in these circumstances are "doubly disadvantaged" because colleges and universities include both parents' incomes when making scholarship decisions, even when the non-custodial parent has discontinued support payments.

This issue is currently being addressed in a variety of ways. Two bills are pending in the Legislature that would increase the duration of child support payments. SB13 (Morgan) would provide for child support payments to continue for full time students through college graduation or age 21. SB215 (Watson) would provide for child support for higher education or vocational training beyond age 18 if the court finds that, but for the divorce or separation, the parents would have provided the education.³⁹

The California Task Force on Family Equity recommended legislation to extend child support payments to unemancipated children until age 21. This type of legislation would treat all parents (divorced, married, and unwed) and children the same way. It would raise the age of minority to 21 for the purpose of child support only. Currently, New York, Missouri, Indiana, and Oregon require parents to support children until age 21; in Iowa the

requirement is age 22.⁴⁰ Finally, some attorneys are recommending that the costs of college education be included in divorce settlements, or as part of the child support order. This approach is particularly controversial in that it would require divorced parents to provide something that parents of intact families are not required to provide. However the issue is resolved, it is in the state's interest to encourage higher education and eliminate barriers to access whenever possible.

10. CALIFORNIA SHOULD EXAMINE ALTERNATIVE CONCEPTUAL MODELS IN DEVELOPING CHILD SUPPORT GUIDELINES—MODELS THAT GENERATE MORE APPROPRIATE LEVELS OF SUPPORT FOR CHILDREN.

When measuring the effectiveness of a child support guideline one needs to consider how its application will affect the child. There are three basic conceptual models for the development of child support guidelines: cost sharing, income sharing, and income equalization. As explained earlier, California's formula is based on an income sharing model. That is, a proportion of parental income is allocated to the child. That proportion varies with the number of children needing support. What have been the results in terms of actual award amounts using this model?

In 1986, the average monthly child support payment ordered was \$171. This amount falls far short of the AFDC level of benefit. It is also less than the national median child support payment reported by the 1983 Census survey of \$195 per month. Finally, it is only \$21 higher than the US poverty guideline of \$150 per month per child.⁴¹

California may want to consider two other models which may result in more appropriate award amounts. These are cost sharing and income equalization. These models are based on different values and result in different outcomes. The cost sharing model specifies the needs of the child first based on a minimum standard of living. A dollar amount is then

specified in order to meet that child's needs. This amount is then apportioned among the parents based on their respective incomes. The income equalization standard was developed by Dr. Judith Cassety of the Texas Attorney General's office. The intent of the model is "that the children of divorced parents suffer the least economic hardship possible and continue to enjoy a standard of living which is as close to the pre-divorce level as possible."⁴² This model attempts to equalize the standard of living between the separate households so that the economic burden of household dissolution is distributed evenly between the parents.

Given the inadequacy of the awards yielded by California's income sharing model, California should consider other conceptual models which truly reflect the cost of raising children.

11. A MONITORING SYSTEM SHOULD BE IMPLEMENTED TO ASSESS THE IMPACT OF THE AGNOS MINIMUM GUIDELINES ON AWARD AMOUNTS.

There is some anecdotal evidence that the Agnos minimum guidelines have raised the minimum level of child support obligation ordered. However, the Family Equity Task Force noted:

"Some important goals of the Agnos Act were to enhance uniformity in awards and to increase the amount of child support awarded. A number of persons, especially District Attorneys representing AFDC recipients, have given anecdotal evidence of improvement in the level of awards under the Agnos Act. However, some attorneys and custodial parents claim that the Agnos Act is being misinterpreted by the courts. The Family Equity Task Force received complaints from attorneys and parents that some courts are interpreting the mandatory minimum child support order as a cap or ceiling on child support awards. Also, it was indicated that judges have refused to apply the discretionary guidelines developed by the Judicial Council or counties."⁵³

This means that even if the absent parent could afford to pay more and raise the family out of poverty, the parent is not obligated to do so. Statistical data on the impact of this legislation is essential to any effort to improve the effectiveness of our state child support system.

12. CALIFORNIA SHOULD EXAMINE THE ISSUES RAISED BY SECOND FAMILIES.

The "blended family," which so commonly exists today, prompts questions about parental responsibility. One issue is: Should the step-parents' income be considered when setting award amounts or computing hardship deductions? An even more difficult consideration posed by second families is: How does the court fairly divide an income that used to support one family, and now must support two? Regarding the interests of children, the hardship of a parent having to support children from different relationships should not cause the first child to bear more of the burden than later children, although this is often the case. The state must devise a system that provides that highest level of support for the child without imposing too much of a hardship on the absent parent. The Family Equity Task Force recommended that the Agnos Act be amended to equalize the treatment of expenses and support for children of first and subsequent marriages, i.e., equalize the amount that a supporting parent may deduct for children with whom he or she lives and for the support of children from a previous marriage.⁴⁴

13. CALIFORNIA SHOULD SEEK TO CENTRALIZE AND COORDINATE ITS CHILD SUPPORT SERVICES.

As described earlier, the responsibility for establishing and enforcing child support orders is split among many different agencies, resulting in a lack of coordination and often incomplete records. The structure of the family support program differs from county to county. Therefore, the ability to monitor delinquencies and enforce orders is inconsistent among county D.A.s.

Rationale for California's Current Decentralized Structure

Any discussion about centralization vs. decentralization calls upon the age-old debate of whether government should be administered close to the people, responding to local needs and circumstances, or instead be more standardized. In 1975, the state's decision to have counties operate the child support system rested on (1) the association of child support with criminal law and a long tradition of county D.A. responsibility for such matters, and (2) a preference for counties serving local needs.⁴⁵ In California, the child support program seemed easier to manage on a county level due to the large volume of cases statewide.

Costs of Decentralization

The move toward decentralization brought its own costs. Each of the 58 counties had to establish its own structure: guidelines, indexes, computer systems. Decentralization created inefficiencies, such as duplication of efforts, incompatibility of search systems, and varying recording and data collection techniques. In addition, county administered child support services have had to compete not only for county attention, but also for local funding.

Other State Models

The states which are recognized for high levels of efficiency tend to have centralized structures. These states include Michigan, Massachusetts, and Maine. In Michigan, the system is centralized through the Office of the Friend of the Court, an operational arm of the circuit court. Massachusetts recently completed reforms which designate the Department of Revenue as the State department responsible for the Child Support Enforcement Program. Maine operates its program through the Department of Human Services, Division of Support Enforcements.

Working with California's Current System: Centralizing Guidelines

Even a decentralized county system, as currently exists, has the potential to achieve more consistency than it does. Uniform policies and procedures could be required so that counties operate in a similar manner. California could also mandate that all 58 counties adopt and use the same set of child support guidelines to establish orders. The National Advisory Panel on Child Support Guidelines noted:

"A 1985 study performed for the U.S. Office of Child Support Enforcement estimated that \$25.5 billion in child support would have been due in 1983 if child support were set based on a particular formula recommended by an Advisory Panel on Child Support Guidelines. By comparison, a Census Bureau study on child support found that \$10.1 billion was reported due in 1983 and \$7.1 was actually collected. It can be seen from these figures that there was a "compliance "gap" of \$3.0 billion in 1983, but an "adequacy gap" of more than \$15 billion." 46

These findings suggest the need for guidelines to remedy the dramatic deficiency in initial child support orders. Mandated guidelines would also provide more consistency, increase voluntary settlements, and reduce judicial time required to reach equitable determinations.

Centralizing Collection

Making collection methods more systematic could abate child support delinquency. Disbursing all payments through county D.A. offices would be one way of making the system more centralized. A D.A.'s office would ensure enforcement for all people who are due child support—not just AFDC recipients, not just those who actively seek their services, but everyone. Such a system would better monitor delinquencies and improve data collection.

Payment collection could also be localized in a different type of agency, such as the Franchise Tax Board. The Board, generally perceived by the public as a neutral agency, could reduce resistance to complying with an order or seeking assistance.

In Michigan, the Friend of the Court is responsible for enforcing all child support orders. Every child support order established in the state is recorded in a statewide computer system. The Friend of the Court then receives all support payments paid, and disburses them. The office prepares annual statements to the parties involved, and is responsible for initiating any proceedings necessary to enforce support orders. This system improves monitoring and response to delinquencies.⁴⁷

Reorganizing by Population Size

California could reorganize its child support system into a regional structure based on population size. This would allow less populated counties to pool their resources and operate more efficiently, yet still preserve the value of decentralization. This regrouping could also alleviate the strain currently felt by overburdened counties.

Centralizing Lien Recording

Child support enforcement could be improved with the establishment of a statewide lien recording system. The Senate Task Force on Family Equity reported:

"Currently, a judgment must be separately filed in each county where the obligor owns real property. Thus, to ensure that all of an obligor's property is subject to a lien, the child support order would have to be recorded in 58 counties. By establishing a central state agency, a judgment would have to be filed in only one place to establish a lien on all the real property owned by the obligor throughout the state."⁴⁸

Many believe increased centralization in this area is necessary. The State Department of Social Services is currently studying the feasibility of a statewide lien recording system.

Relocating the Family Support Agency

California could also consider removing the family support program from the district attorney's office. In its place a new agency could be established, with the sole purpose of administering the statewide Family Support Program. In Wisconsin, the Child Support Program is decentralized. Each county has placed the program within one of four areas: the DA's office, the Social Service office, Corporation Counsel, or a separate agency. According to Barbara Snyder, assistant to Legal Counsel, Office of Child Support in Wisconsin's Department of Health and Social Services, those counties which operate the program out of a separate agency are most effective.

Some counties pursue an aggressive strategy while for others child support is not a high priority. Budget problems and staffing often hinder an operation's efforts. As a result, caseloads for the staff are enormous, causing extreme inefficiency and backlogs.

Effectiveness of California's Child Support System As It Currently Exists

Within the D.A.'s office, the need for staff training is also often overlooked. Federal and State child support regulations often change, and thus demand ongoing, in-service training. Lack of training results in inconsistent applications of policies and procedures within a county itself. According to Susan Spier of Single Parents United 'N Kids (S.P.U.N.K) "misinformation is often given to those parents making initial inquiries."

The process itself can be quite discouraging for parents. In Los Angeles County, a custodial parent is required to participate in a group intake process. This lack of privacy is uncomfortable for many. In addition, the amount of paperwork needed to be completed is enormous and often inappropriate for the level of service required. Forms should be streamlined to address various needs for service.

Massachusetts recently transferred the responsibility for the child support program from the Department of Public Welfare to the Department of Revenue. This was done for several reasons. First, the Department of Revenue has a good reputation for collecting money, and child support enforcement is seen primarily as a money collection program. Second, the Department of Revenue places a high priority on "customer service." Whether it is taxes or child support, the priority of the department is to make the payment process as simple as possible. The department provides customer service lines with extended hours and streamlined application forms. Another unique feature of the Massachusetts program is its "kids teams." These teams are made up of district attorneys, child support staff, sheriffs, judges, and probation officers, all who view themselves as advocates on behalf of children. The "kids teams" generate a newsletter filled with support, encouragement, and examples of victories. This attitude, coupled with a high profile media campaign and a new centralized computer system, fuels Massachusetts' intentions to improve its collections by 20% every year.⁴⁹

In Michigan and Pennsylvania, as well as in Massachusetts, attitudes of child advocacy and quality customer service are readily expressed among those involved with the child support program. However, these attitudes are not as prevalent among those involved in the California program.

**14. CALIFORNIA SHOULD IMPLEMENT A CENTRALIZED, STATEWIDE
COMPUTER SYSTEM TO IMPROVE CASE MANAGEMENT AND DATA
COLLECTION.**

While counties in California are moving toward automation of their child support systems, the level of automation of the program varies considerably from county to county and systems are not compatible with one another. Currently, there is no one source of information on all child support cases in the state.⁵⁰ A comprehensive statewide computer system, for both AFDC and non-AFDC families receiving child support, would improve statewide enforcement and data collection, and would also aid in the transition of a case from AFDC to non-AFDC status.

A child support computer system needs to support all areas of case processing—case initiation, case management, financial management, enforcement, communication, reporting, security, and confidentiality. Improvements in the continual processing of cases would include billing procedures to prevent delinquencies and more timely accounting methods to log and transmit payments when received. Automated systems directly improve delays in processing; in the past, backlogs have shown to lessen the accuracy of information and also to limit the amount of accessible information.

For the purposes of reporting to the federal government, the state requires that each county's system is compatible with a central system in Sacramento. All counties report basic statistics, such as caseload and total sums of money collected, but enforcement information, such as that pertaining to locating an absent parent, is not centralized for coordinated use among counties. In Oregon, for example, intake and enforcement information is available to both the AFDC staff and the child support case worker through a compatible computer system. A simple compatibility requirement, along with improvements in automation for each county, could dramatically improve coordination of information throughout the state, with the ultimate result of better enforcement of child support obligations.

15. CALIFORNIA SHOULD REVIEW ALTERNATIVE METHODS FOR UPDATING CHILD SUPPORT ORDERS.

It would seem reasonable to expect adjustments of child support orders over time, to accurately reflect cost of living changes or changes in the financial circumstances of parents. However, the lack of automated systems and shortage of staff often make routine updating of child support obligations difficult. Many California counties do not have a systematic procedure to regularly update orders, therefore it is the custodial parent, rather than the government, who must initiate the modification of an award.

Cost of Living Indexes for Updating

Several states do in fact have provisions for cost of living clauses in established orders. These states include Alaska, Minnesota, Vermont, and Wisconsin. Since the current California system does not generate a periodic review of orders to re-apply guidelines and initiate modifications, orders should include escalation or cost of living clauses. Such a provision in the order would guarantee the "buying power" of the amount originally determined as necessary to meet the child's needs.

Systematic Updating Processes

In 1984, California enacted a simplified, semi-automatic procedure for increasing child support orders up to 10% a year. The custodial parent does not need to prove "changed circumstances" in order to obtain an increase. Attorney participation is disallowed in these proceedings to avoid the legal costs of updating awards. However, information to parents about this modification procedure—where to go, what papers to file, where to obtain those papers, or what to do in court—is not readily available. Some parents do not pursue this updating process because they believe that the modification procedure could be used to lower a support order by 10% or more.⁵¹ Therefore Civil Code §§ 4700.1 needs to be clarified to state that the 10% modification provision applies only to increases in support.

Systematic Review of Cases for Updating

Some states have the capability to investigate a suspected change in financial circumstances of the non-custodial parent and initiate a modification of an award. New Jersey carried out a pilot project for such modifications. During this project, New Jersey reviewed 1514 cases which were more than two years old and held modification hearings on those cases. As a result, average orders were increased from \$116 to \$259 per month. This raised the incomes of one quarter of New Jersey's AFDC families sufficiently that they were no longer eligible for AFDC.⁵¹

Use of Guidelines to Update Orders

Many older orders that currently exist do not comply with the recently developed county guidelines. California should permit the modification of orders so that they comply with applicable guidelines, through the use of a simplified procedure.

In a recent California Supreme Court decision [*In re Marriage of Moore*, C.A.3d, 230 Cal. Rptr. 311 (9/26/86)], the Court held that the 10% figure used in the semi-automated system described above was a cap. Therefore, a support order could not be brought up to the applicable current guideline if the amount of increase was greater than 10%. The law must be changed to allow all cases to be brought up to at least the current standard.

16. ALL CHILD SUPPORT ORDERS SHOULD DESIGNATE WAGE WITHHOLDING AS THE MEANS OF COLLECTION.

Wage withholding is consistently upheld as a simple cost-effective method of collecting child support payments. Its application by judges over the years, however, has been as a response to delinquency—a punishment. Senator Gary Hart of Santa Barbara sponsored a bill that went into effect January of 1987, which aims to standardize the use of wage withholding for all new and modified orders. Though this legislation has increased the use of wage interception, the language of the bill allows judges to continue to assign wages in response to delinquency. Two states with high collection rates, Texas and Wisconsin, assign automatic wage withholding when an order is first established. The stigma associated with wage withholding must be completely eliminated. It is necessary that judges ensure this practice be made the rule rather than the exception.

IV. CONCLUSION

In summary, many California families who need child support orders do not have them. And many of those who have orders do not collect the money due them. A majority of non-custodial parents pay no child support and suffer no consequences. Rather than fostering parental responsibility, the system tolerates parental irresponsibility.

Furthermore, the amount of child support awards vary greatly depending on individual county's guidelines, attitudes of local judges and district attorneys, the relative skills of private attorneys, and any number of incalculable circumstances. Non-custodial parents with similar financial circumstances living in different parts of the state (or even within the same community) could pay very different amounts. What is best for the child is often overlooked, while the interests of the parents or taxpayer prevail.

The family in California, and nationwide, is indeed changing in form. Attention to the financial responsibilities of the "changing family," and particularly to the issues of adequacy and enforcement of child support, is essential.

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4. Barbara D. Savage, *Child Support and Teen Parents*, publication of the Children's Defense Fund's Adolescent Pregnancy Prevention Clearinghouse, Washington D.C., 1987, p. 9.
5. Savage, p. 9.
6. *A Children's Defense Budget: FY 1988: An Analysis of Our Nation's Investment in Children*, Washington D.C., 1987, p. 92.
7. Interview with John Replogle, President of California Family Support Council, Riverside County District Attorney.
8. *Child Support Management Information Systems Annual Report, Fiscal Year 1986-87*, Table 4.
9. Interview with Lorene McKillop, Center for Support of Children, Washington D.C.
10. *History and Fundamentals of Child Support*, p. 55.
11. Currently, the AFDC amounts are:
 - \$311 per month for 1 child
 - \$511 per month for 2
 - \$633 per month for 3
 - \$753 per month for 4
 - \$859 for 5
 - \$965 for 6
 - \$1059 for 7
 - \$1155 for 8
 - \$1247 for 9
 - \$1340 for 10
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19. *Child Support Management Information System, Annual Report, Fiscal Year 1985-86*, Table 20.
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30. Interview with Chris Gomez, Consultant, California Department of Social Services.
31. *A New Approach to Child Support*, p. 119.
32. Interview with John Replogle, President of California Family Support Council, Riverside County District Attorney.
33. *A New Approach to Child Support*, p. 117.
34. Savage, p. 20.
35. The State of Massachusetts set a goal of increasing their collections by 20% per year; so far the results of their public education campaign are on target, according to Karen Schwartzman.
36. *Final Report of the Senate Task Force on Family Equity*, pp. VI-24.

37. *Final Report of the Senate Task Force on Family Equity*, p. VI-28.
38. Judith S. Wallerstein and Shauna B. Corbin, "Father-Child Relationships After Divorce: Child Support and Educational Opportunity," *Family Law Quarterly*, Volume XX, No. 2, Summer 1986.
39. California State Senate Subcommittee on Women in the Workforce memorandum, November 2, 1987.
40. *Final Report of the Senate Task Force on Family Equity*, p. VI-9.
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